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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/730,550

12/08/2003

Mototsugu Abe

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7590

04/21/2006

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EXAMINER

WARREN, DAVID S

ART UNIT

PAPER NUMBER

2837

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/730,550

Applicant(s)

ABE ET AL.

Examiner

David S. Warren

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 – 3 and 10 – 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Crockett (2004/0165730). Regarding claims 1, 10, and 13, Crockett discloses the use of an acoustic signal processing apparatus having an amplitude calculating means for calculating short-term amplitudes (this is synonymous with sampling; see Crockett paragraphs 26 and 51, and claim 15), candidate domain extraction means (see portion within the “event boundaries” in fig. 3A; also see step 5-3, and paragraph 50), feature extraction means for extracting sound quality featuring quantities (this is synonymous with spectral analysis and is identified by Crockett as a “signature” – see paragraph 36), and a candidate domain evaluating means (this is synonymous with Crockett’s spectral difference means). Regarding claims 2, 11, and 14, Crockett’s audio events are synonymous with Applicant’s acoustic events (see Crockett’s claim 1). Regarding claims 3, 12, and 15, Crockett teaches the use of indexing means to generate start and end positions of an audio event (the boundaries of fig. 3A are start and end positions of an audio event).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4 – 6 and 16 – 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crockett (2004/0165730). The teachings of Crockett have been discussed supra. Crockett does not teach the use of power spectrum coefficients obtained on Karhunen-Loeve transformation process nor the use of plural thresholds. Regarding claims 4 and 18, the Applicants choice of sound quality featuring quantities are deemed to be functionally equivalent to those of Crockett (i.e., spectral analysis using FFT; paragraph 48). In this case, the quantities merely distinguish sound signature (i.e., for extracting an event or feature). Regarding claims 5 and 19, Crockett uses thresholds to determine an event (see paragraph 50). Regarding claims 6 and 20, Crockett determines whether or not the candidate domain is a “featuring portion” (the Examiner maintains that any audio event assigned boundaries is a featuring portion). Regarding claims 16, 23, and 25, all limitations have been discussed supra except the “degree of crucialness.” The Examiner maintains that this is similar to the spectral difference measurements (i.e., the larger the spectral difference, the more “crucial”). For example, if the spectral difference between segments is above a threshold (i.e., are crucial) boundaries will be assigned to an audio event. Also, Crockett shows storing of

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values as step 5-4 (i.e., recording). The limitations of claims 17, 24, and 26 have been discussed supra (see discussion of claim 2 above). Regarding claims 21 and 22, the Examiner maintains that all genres are "valid" (the Examiner notes that the Applicant has not defined valid genre) that overcome Crockett's threshold. It would have been obvious to one of ordinary skill in the art to modify the teachings of Crockett to include power spectrum thresholds and plural thresholds. The motivation for making this modification is to employ easily available techniques which have widespread application within the audio analysis field (e.g., to make use of commercially available audio analysis tools).

5. Claims 7 – 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crockett in view of Smith (5,533,136). The teachings of Crockett have been discussed supra. Crockett does not teach the use of an "insertion detection" means for detecting a domain "sandwiched between neighboring ones of ... sound domains as being ... an insertion domain" wherein the insertion is a commercial message. The teachings of Crockett can, by means of spectral analysis, detect any audio signal having a different analysis, but Crockett is silent as to using such a system to detect an "insertion" such as a commercial. The patent to Smith discloses the use of detecting and attenuating a commercial. It would have been obvious to one of ordinary skill in the art to combine the teachings of Crockett and Smith to obtain a system to detect the presence of a commercial (i.e., an "insertion"). The motivation for making this combination is that commercials are generally considered a nuisance and removing them would increase the enjoyment and save the time of a user of the Crockett device.

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The documents to Xu (2006/0065102), Kraft (6,225,546), and Ogawa (2003/0125887) all represent the nature of Applicant's invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David S. Warren whose telephone number is 571-272-2076. The examiner can normally be reached on M-F, 9:30 A.M. to 6:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Bradley can be reached on 571-272-2001 ext 33. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

dsw


MARLON T. FLETCHER
PRIMARY EXAMINER